

## REMARKS

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application.

The Examiner is further thanked for indicating that claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consistent with the Examiner's suggestion, each of claims 1, 3, 4, and 9 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements, limitations, phrases, terms and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Each of claims 17-22 has been cancelled without prejudice or disclaimer.

Claims 1-4 and 7-10 are now pending in this application. Claim 1 is in independent form.

### I. The Anticipation Rejections

Each of claims 1-4, 7-8, and 10 was rejected as anticipated, and thus unpatentable, under 35 U.S.C. 102(b). In support of the rejection, various portions of U.S. Patent 6,670,608 ("Taylor") were applied. These rejections are respectfully traversed.

Specifically, claim 1, from which each of claims 2-4, 7-9, and 10 depends, state, *inter alia*, yet no substantial evidence has been presented that the applied portions of the cited relied-upon references teach, "the test equipment comprising a mass spectrometer" or "evacuating with a second vacuum pump a chamber of the mass spectrometer to a pressure lower than the stable vacuum pressure in the low temperature zone". For at least this reason, it is respectfully submitted that the rejection of claims 1-4, 7-8, and 10 is unsupported and should be withdrawn.

PATENT  
Application 10/785,304  
Attorney Docket 2004P00817US01 (1009-395)

**CONCLUSION**

It is respectfully submitted that the application is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account 19-2179. The Examiner is invited to contact the undersigned at 732-321-3008 to discuss any matter regarding this application.

Respectfully submitted,

Siemens Corporation



Michael Wallace, Jr.

USPTO Registration: 44,486

Telephone: 732-321-3008

Facsimile: 732-321-3014

170 Wood Avenue South

Iselin, NJ 08831

Date: 3/05/09